

Cordis Corp.  
v.  
Medtronic AVE, Inc., Boston Scientific  
Corp. and Scimed Life Systems, Inc.  
Civil Action No. 97-550-SLR

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Medtronic Vascular, Inc.  
v.  
Cordis Corporation, et al.  
Civil Action No. 97-700-SLR

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**VOIR DIRE TO JURY PANEL**

Good morning, ladies and gentlemen. I am Judge Robinson, and I will be presiding over the trial for which a jury is about to be drawn in the case captioned **Cordis Corp. v. Medtronic Vascular, Inc., et al.** Briefly stated, this is a patent action arising under the patent laws of the United States involving stents, which are medical devices implanted in arteries.

The trial will last six days. I time my trials, so the attorneys have to complete their trial presentations within these limits. However, jury deliberations may require you to be present longer than six days. Our trial days will run approximately from 9:30 a.m. to 4:30 p.m..

In light of this brief summary, I will ask you certain questions, the purpose of which is to: (1) enable the court to determine whether or not any prospective juror should be excused for cause; and (2) enable counsel for the parties to exercise their individual judgment with respect to peremptory challenges, that is, challenges for which no reason need be given by counsel.

If any of you answer any question "yes," please stand up and, upon being recognized by the court, state your juror number. When I have concluded asking all the questions, we will call you to the bench individually to speak with you about your affirmative response or responses.

**HAVE CLERK ADMINISTER THE OATH TO THE PANEL**

1. You have been given a list of companies.

(a) Are you personally acquainted with any officer, director, or employee of any of those companies?

(b) Do you or any member of your household now own, or have you or any such member ever owned, any stocks or bonds in any of the companies?

(c) Have you, any family member, or anyone close to you had any dealings with, or relied financially in any way on, any of the companies?

(d) Have you, any family member, or anyone close to you had any positive or negative experience with any products of any of those companies or otherwise have any strong feelings, positive or negative, toward any of these companies?

2. You have been given a list of the attorneys and law firms involved in this litigation. Are you related to, or personally acquainted with, any of those attorneys, or have you ever been represented by any of those attorneys or other associates or members of the listed law firms?

3. You have been given a list of the individuals who might appear as witnesses in this case. Are you related to, or personally acquainted with, any of those individuals?

4. Do you have any personal knowledge of this case, or have you read or heard it discussed, or have an opinion regarding it?

5. Have you ever been a plaintiff, a defendant, or a witness in a civil lawsuit?

6. Have you ever served as a juror in a civil lawsuit?

7. You have been given a list of subject areas. Have you, a close friend, or a family member ever been employed, trained, or had any experience in any of the listed areas?

8. Do you have any knowledge about or experience with patents, including applying for a patent?

9. Have you ever worked for a company that had patented products or processes?

10. Have you ever been involved in the development of a new product or process?

11. Have you, any member of your immediate family, or anyone close to you ever had any dealings with the United States Patent and Trademark Office?

12. Do you have any strong opinions about a patent granting exclusive rights to the inventors or their employer?

13. Do you believe it would be wrong for someone to profit

from his invention or discovery?

14. Do you believe that inventions in the medical field are not entitled to patent protection?

15. Have you or a close friend or family member ever been employed in a medical profession, or by a company that makes medical devices, pharmaceuticals or other medical products?

16. Have you or a close friend or family member ever been treated with a stent?

17. Do you have any special disability or problem that would make it difficult or impossible for you to serve as a member of the jury in this case?

18. Do you know of any other matter which you believe should be called to the court's attention as having some bearing upon your qualifications or ability to sit as a juror, or which you think may prevent you from rendering a fair and impartial verdict based solely upon the evidence and my instructions as to the law?

**COMPANIES**

Cordis Corp.

Medtronic Vascular, Inc.

Medtronic USA, Inc.

Medtronic, Inc.

Arterial Vascular Engineering (AVE)

Johnson & Johnson

Johnson & Johnson Interventional Systems, Inc.

Expandable Grafts Partnership

Ethicon, Inc.

Medtronic AVE, Inc.

Boston Scientific Corp.

Scimed Life Systems, Inc.

**ATTORNEYS**

McDermott, Will & Emery

Ralphael V. Lupo  
Donna M. Tanguay  
Mark G. Davis  
D. Michael Underhill  
Michael W. Connelly

Morris, Nichols, Arsht & Tunnell

Karen Jacobs Loudon  
Maryellen Noreika  
Philip Bangle  
Leslie A. Polizoti  
Benjamin Schladweiler

Patterson, Belknap, Webb & Tyler

Gregory L. Diskant  
William F. Cavanaugh  
Eugene M. Gelernter  
Michael J. Timmons  
Scott B. Howard  
Kathleen Crotty  
Wendy Kemp Akbar  
Christopher M.P. Jackson  
Catherine Williams  
Tara Herman

Ashby & Geddes

Steven J. Balick  
Steven T. Margolin  
John G. Day

Johnson & Johnson

Eric Harris

**WITNESSES**

Jeffrey Allen  
George Andros  
Rodney Badger  
Richard Bevier  
Matthew Birdsall  
Michael D. Boneau  
Craig Bonsignore  
Nigel Buller  
Stanley Carson  
Paul Coletti  
John Collins  
William Cook  
Robert Croce  
Ann Eckert  
Michael D. Ellwein  
Robert Ersek  
Brian Firth  
Timothy Fischell  
Julias Hammerslag  
Richard Heuser  
Bruce E. Koenig  
John Kula  
Robert Lashinski  
Jason Lipow  
John Milnamow  
Patrick O'Neill  
Amalia Palmaz  
Julio Palmaz  
Henry Piehler  
Cynthia Ray  
Stewart Reuter  
Philip Romano  
Richard Schatz  
Patricia Scheller  
Steve Schiess  
Debra Shaver  
Albert Shepherd  
Randy Sibbitt  
Joel Siegel  
Scott Solano  
Ronald Solar  
Ben Tobor  
Arina van Breda  
Robert Wagoner

**SUBJECT AREAS**

Medical education or background

Mechanical engineering education or background

Coronary stents

Legal education or background

Science education or background

Medical device industry

Health industry

Medical profession